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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,973	05/29/2001	Yoshimasa Hosonuma	14650	7391
23389	7590	11/03/2004	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			PHU, SANH D	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,973

Applicant(s)

HOSONUMA, YOSHIMASA

Examiner

Sanh D Phu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 12 is/are rejected.
- 7) ☒ Claim(s) 4-11, 13-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 7/27/04.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamura (5,335,368).

Regarding to claim 1, see Fig. 1, 2, 3, 4, 5 and 6, Tamura discloses a foldable portable radio terminal, comprising:

a portable radio terminal body including a first body (10) and a second body (40) connected for pivotal folding movement to each other;

an antenna (20) mounted on said first body (see Fig. 1);

an antenna matching circuit (12) for determining an antenna characteristic of said antenna (see Fig. 3); and
a matching characteristic changeover circuit (13) for changing over the characteristic of said antenna matching circuit so that the antenna characteristic when said portable radio terminal body is folded and the antenna characteristic when said portable radio terminal body is not folded are equal to each other (see Fig. 2 and 3).

Regarding to claim 2, Tamura discloses a foldable portable radio terminal further comprising a folded state detection circuit (13a) for detecting whether or not said portable radio terminal body is folded and issuing a detection signal representative of a result of the detection, and wherein said matching characteristic changeover circuit changes over the characteristic of said antenna matching circuit in response to the detection signal of said folded state detection circuit (see Fig.1, 2, 3 and 4, col. 3, line 17 to col. 4, line 35).

Regarding to claim 3, Tamura discloses that a foldable portable radio terminal wherein said antenna matching circuit determines the antenna characteristic in a state wherein said portable radio terminal body is folded, and

said matching characteristic changeover circuit changes over the characteristic of said antenna matching circuit so that the antenna characteristic of said antenna matching circuit when said portable radio terminal body is not folded can be equal to the antenna characteristic in the state wherein said portable radio terminal body is folded (see Fig.1, 2, 3 and 4, col. 3, line 17 to col. 4, line 35).

Regarding to claim 12, Tamura discloses that a foldable portable radio terminal wherein said antenna matching circuit determines the antenna characteristic in a state wherein said portable radio terminal body is not folded, and said matching characteristic changeover circuit changes over the characteristic of said antenna matching circuit so that the characteristic of said antenna matching circuit when said portable radio terminal body is folded can be equal to the antenna characteristic in the state wherein said portable radio terminal body is not folded (see col. 3, lines 47-55).

Allowable Subject Matter

2. Claims 4-11 and 13-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments filed on 07/27/04 have been fully considered but they are not, in part, persuasive.

Applicant's arguments, with respect to claims 4, 5, 8, 10, 11, 13, 14, 17, 19 and 20, have been considered. The claims are now indicated allowable.

Applicant's arguments, with respect to claims 1, 2, 3 and 12, are not persuasive.

The applicant mainly argues that Tamura does not disclose the limitation "a matching characteristic changeover circuit for changing over the characteristic of said antenna matching circuit so that the antenna characteristic when said portable radio terminal body is folded and the antenna characteristic when said portable radio terminal body is not folded are equal to each other", as recited in claim 1.

The examiner respectfully disagrees. See figure 3, Tamura discloses a matching characteristic changeover circuit (13) which changes over the characteristic of said antenna matching circuit so that the antenna characteristic when said portable radio terminal body is folded or the antenna characteristic when said portable radio terminal body is not folded is matched to the circuit 11 impedance (see col. 3, lines 47-55). Since the circuit 11 impedance is unchanged (see figures 3 and 4) when said portable radio terminal body is folded or unfolded , the antenna characteristic when said portable radio terminal body is folded or the antenna characteristic when said portable radio terminal body is unfolded is inherently equal to each other in order to match to the circuit 11 impedance.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the

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advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703)305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu
Examiner
Art Unit 2682

SP


LEE NGUYEN
PRIMARY EXAMINER